

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
TEXARKANA DIVISION**

JEROME WASHINGTON,

Plaintiff,

v.

UNKNOWN WALKER, CAPTAIN, BI-
STATE JUSTICE CENTER;

Defendant.

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CIVIL ACTION NO. 5:20-CV-00024-RWS

ORDER

Plaintiff Jerome Washington, proceeding *pro se*, filed the above-styled and numbered civil action complaining of alleged violations of his constitutional rights. The case was referred to the United States Magistrate Judge in accordance with 28 U.S.C. § 636.

Plaintiff complained of a random and unauthorized deprivation of property during his confinement in the Bi-State Justice Center. *See* Docket No. 1. After review of the pleadings, the Magistrate Judge issued a Report recommending the lawsuit be dismissed because random and unauthorized deprivations of property by correctional officers do not violate the Fourteenth Amendment when an adequate state post-deprivation remedy exists. Docket No. 6; *see also Hudson v. Palmer*, 468 U.S. 517, 533 (1984).

A copy of the Report, along with an order concerning the statutory filing fee for the lawsuit, was sent to Plaintiff at his last known address on February 22, 2021, but it was returned as undeliverable. Plaintiff has not contacted the Court since his lawsuit was filed, nor has he apprised the Court of his current mailing address or whereabouts. The lawsuit form which Plaintiff filed contains a declaration reading as follows: “I understand, if I am released or transferred, it is my


responsibility to keep the court informed of my current mailing address and failure to do so may result in the dismissal of this lawsuit.” Docket No. 1 at 2.

Because no objections have been received, the Plaintiff is barred from *de novo* review by the District Judge of those findings, conclusions and recommendations and, except upon grounds of plain error, from appellate review of the unobjected-to factual findings and legal conclusions accepted and adopted by the District Court. *Duarte v. City of Lewisville, Texas*, 858 F.3d 348, 352 (5th Cir. 2017).

Nonetheless, the Court has reviewed the pleadings in this cause and the Report of the Magistrate Judge. Upon such review, the Court has determined that the Report of the Magistrate Judge is correct. *See United States v. Wilson*, 864 F.2d 1219, 1221 (5th Cir.), *cert. denied*, 492 U.S. 918 (1989) (where no objections to a Magistrate Judge’s Report are filed, the standard of review is “clearly erroneous, abuse of discretion and contrary to law.”) Accordingly, the Report of the Magistrate Judge (Docket No. 6) is **ADOPTED** as the opinion of the District Court. It is further

ORDERED that the above-styled civil action is **DISMISSED WITH PREJUDICE** as to its refiling in federal court, but without prejudice as to any claims in state court or through the administrative processes of Bowie County which Plaintiff may elect to pursue.

So ORDERED and SIGNED this 21st day of September, 2021.


ROBERT W. SCHROEDER III
UNITED STATES DISTRICT JUDGE